

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

Richard Moreland,

Plaintiff,

v.

AmeriCredit; and DOES 1-10, inclusive,

Defendant.

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: Civil Action No.: 1:15-cv-137
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: **COMPLAINT AND**
: **DEMAND FOR JURY TRIAL**
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For this Complaint, the Plaintiff, Richard Moreland, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Richard Moreland ("Plaintiff"), is an adult individual residing in New London, Wisconsin, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant AmeriCredit ("AmeriCredit"), is a Texas business entity with an address of 801 Cherry Street, Suite 3500, Fort Worth, Texas 76102, and is a "person" as defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the “Agents”) are individual employees and/or agents employed by AmeriCredit and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. AmeriCredit at all times acted by and through one or more of the Agents.

FACTS

7. Within the last four years, AmeriCredit called Plaintiff’s cellular telephone, number 920-xxx-4847, in an attempt to collect a consumer debt.

8. At all times herein referenced, AmeriCredit contacted Plaintiff at his cellular telephone by using an automated telephone dialer system (“ATDS”) and/or by using an artificial or prerecorded voice.

9. When Plaintiff answered the calls, AmeriCredit used an automated or prerecorded voice.

10. Plaintiff acknowledges the existence of the financial obligation but did not want to receive the frequent calls from AmeriCredit. In March of 2014, Plaintiff spoke to AmeriCredit in an effort to get the calls to stop. Plaintiff informed AmeriCredit that he would make a payment as soon as his financial condition improved and demanded that all calls to him cease.

11. Thereafter, despite having been instructed by Plaintiff not to call, AmeriCredit continued to call Plaintiff’s cellular telephone.

COUNT I **VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et seq.**

12. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. After knowing that Plaintiff did not want to be called, AmeriCredit continued to call the Plaintiff by means of automatic telephone calls and using a prerecorded voice at a cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

14. AmeriCredit's telephone system has the capacity to store numbers in a random and sequential manner and uses the system to place the calls.

15. The telephone number called by AmeriCredit was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

16. The calls from AmeriCredit to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: February 3, 2015

Respectfully submitted,

By /s/ Amy L. Cueller

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